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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,085	07/21/2000	Andreas Kruger	569.38791X00	4806
20457	7590	02/08/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			MILLER, BRANDON J	
		ART UNIT		PAPER NUMBER
				2683

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/621,085	KRUGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brandon J Miller	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 September 2004.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 9-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 9-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### *Response to Amendment*

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skala in view of Oda.

Regarding claim 9 Skala teaches an operable device to be used in a vehicle (see col. 2, lines 56-62 and col. 3, lines 12-18). Skala teaches an operating panel through which a user can cause at least one of producing existing operating states or changing existing operating states of the operable device (see col. 2, lines 60-62 and col. 3, lines 12-28 & 59-61). Skala teaches a control circuit, coupled to the operating panel, which receives data for determining vehicle-specific conditions over a time period of vehicle operation by evaluating the received data (see col. 3, lines 47-49 & 59-67 and col. 4, lines 26-28) and which converts the vehicle-specific conditions into a driving profile indicating an actual driving situation of the vehicle and changes the existing operating states of the operable device according to whether the actual driving situation has met the conditions specified in the driving profile (see col. 4, lines 3-5, 34-56). Skala does not specifically teach blocking or releasing the existing operating states of an operable device according to whether the actual driving situation is dangerous or non-dangerous. Oda teaches a controller that blocks or releases the existing operating state of an operable device

according to whether an actual driving situation is considered dangerous or non-dangerous (see col. 2, lines 7-21 and col. 4, lines 9-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the control circuit in Skala adapt to include blocking or releasing the existing operating states of an operable device according to whether the actual driving situation is dangerous or non-dangerous because this would allow for the operational state of an operable device do be conveniently changed depending on the operational state of a vehicle.

Regarding claim 10 Skala teaches an operable device to be used in a vehicle (see col. 2, lines 56-62 and col. 3, lines 12-18). Skala teaches an operating panel through which a user can cause at least one of producing existing operating states or changing existing operating states of the operable device (see col. 2, lines 60-62 and col. 3, lines 12-28 & 59-61). Skala teaches a control circuit, coupled to the operating panel, which receives data for determining vehicle-specific conditions by measuring fluctuations of a driving speed of the vehicle over a time period and changes the existing operating states of the operable device based on the measured fluctuation and (see col. 3, lines 59-67 and col. 4, lines 26-28 34-56). Skala does not specifically teach blocking or releasing the existing operating state of the operable device. Oda teaches a controller that blocks or releases the existing operating state of an operable device (see col. col. 2, lines 7-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the control circuit in Skala adapt to include blocking or releasing the existing operating states of an operable device because this would allow for the operational state of an operable device do be conveniently changed depending on the operational state of a vehicle.

Regarding claim 11 Oda teaches an operable device that is suitable for receiving and/or transmitting data (see col. 3, lines 57-59 and col. 4, lines 61-63).

Regarding claim 12 Oda teaches a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 13 Skala teaches an operable device with equipment that collects information on the conditions and/or states under which or in which an operable device is currently being operated, and that transmits the information as data to a control circuit (see col. 3, lines 11-18 & 59-67).

Regarding claim 14 Skala teaches a device as recited in claim 13 and is rejected given the same reasoning as above.

Regarding claim 15 Skala teaches a device as recited in claim 13 and is rejected given the same reasoning as above.

Regarding claim 16 Skala teaches a device as recited in claim 13 and is rejected given the same reasoning as above.

Regarding claim 17 Oda teaches an operable device with a receiving unit, wherein data received by the receiving unit is also transmitted to a control processor to be used alone or together with other data to block or release certain operating states of an operable device (see col. 1, lines 59-67, col. 2, lines 13-21, and col. 3, lines 56-60).

Regarding claim 18 Oda teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 19 Oda teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 20 Oda teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 21 Oda teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 22 Oda teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 23 Oda teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 24 Oda teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kraft U.S Patent No. 6,463,278 discloses a telephone automatic mode.

Alperovic U.S Patent No. 6,233,448 discloses a system, method and apparatus for automatic feature activation/deactivation based upon positioning.

Gehlot U.S Patent No. 6,060,989 discloses a system and method for preventing automobile accidents.

Person et al. U.S Patent No. 5,483,692 discloses an automatic variable radio volume control system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 1, 2005

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
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